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IN THE

Supreme Court of the United States

OCTOBER TERM, 1970.

No. 1199

COOK COUNTY COLLEGE TEACHERS UNION, LOCAL 1600,

AND

NORMAN G. SWENSON, PRESIDENT; DAVID SIMONSON, ASST. TO THE PRESIDENT; HOWARD A. JAMES, VICE PRESIDENT; LEON NOVAR, MEMBER OF NEGOTIATING COMMITTEE, AS INDIVIDUALS, AS OFFICERS OF SAID UNION AND AS MEMBERS AND REPRESENTATIVES OF THE CLASS OF MEMBERS OF SAID UNION,

Petitioners,

vs.

BOARD OF JUNIOR COLLEGE DISTRICT NO. 508, COUNTY OF COOK AND STATE OF ILLINOIS,

Respondent.

REPLY BRIEF OF THE PETITIONER TO THE BRIEF OF RESPONDENT IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF ILLINOIS.

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THE GUNTHORP-WARREN PRINTING COMPANY, CHICAGO 56

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The Petitioners, by Arnold E. Charnin, Kleiman, Cornfield and Feldman, their attorneys, hereby files its Reply to the Brief of Respondent opposing the Petition for Writ of Certiorari to the Supreme Court of the State of Illinois.

This Reply Brief is not intended as a reargument of those matters raised in the Petition or opposed in the Respondent's Brief. However, there is a statement contained in the Respondent's Brief which may cause a misapprehension of the facts and requires this clarification.

The Petitions for Change of Venue filed in the trial court demanded change of venue. Such petitions followed the traditional and statutory form for all such petitions filed in the Illinois courts, and neither required nor traditionally specify the cause or the reasons for change of venue other than the allegation of prejudice of the trial judge. Both petitions were verified. No hearing is accorded or requested upon the filing of such petitions.

Upon completion of the trial and sentencing by the trial court, the Petitioners moved for a new trial specifying as a ground thereof the failure of the trial court to allow the change of venue. In such Motion the Petitioners asserted that the allegation of prejudice of the judge was based *inter alia* on statements made by the Court to the newspapers to the effect that there had been "too much coddling and not enough paddling" of teachers. Copies of the news articles were appended to the Motion as Exhibits A (*Chicago Sun-Times*, December 21, 1966), B (*Chicago Tribune* Editorial, December 21, 1966), and C (*Chicago Tribune*, December 21, 1966). Thus, contrary to the allegations in the Brief of Respondent herein, the prejudice of the trial court was revealed and was presented by Motion to the trial court during the proceedings therein.

Accordingly, the Petitioners did contend and are contending that they were denied a fair trial by the denial of

the petitions for change of venue, and were denied due process therefor.

Respectfully submitted,

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